

Minutes
Town of Oshkosh

Town Board Meeting – June 23, 2008 - 7:00 p.m. – Town Hall

PRESENT: Chairman Gerald Frey, Supervisor Carol Kaufmann, Supervisor Jim Erdman, Treasurer Maribeth Gabert, Clerk Jeannette Merten and audience of 7.

Chairman Frey called meeting to order at 7:03 p.m.

**MOTION BY ERDMAN, KAUFMANN SECONDED, APPROVE
MINUTES DATED**

- **TOWN BOARD MEETING OF JUNE 9, 2008;**
 - **BOARD OF REVIEW MINUTES OF JUNE 9, 2008;**
 - **PUBLIC HEARING MINUTES OF JUNE 9, 2008;**
- ALL AS PRESENTED. MOTION CARRIED.**

Public Participation:

Jeff Mann introduced himself as a candidate running for the 53rd State Assembly seat. He is currently an attorney with an office on the corner of Jackson and Church in Oshkosh yet lives in the Town of Algoma. He has been attending town meetings in the district to collect ideas and concerns regarding issues within this district.

Planning and Zoning:

Building Inspector report.

Dave Frank, Town Building Inspector, had nothing new to report.

Unfinished Business:

Update on Gold Cross parking ambulance at town hall and understanding agreement.

It has been witnessed that Gold Cross has been using the town hall facilities. Gold Cross will be sending the town a general understanding agreement to examine. When it is received the topic will be back on the agenda.

Bristol Square/City of Oshkosh Developer Agreement with Town.

An Informational meeting is scheduled for June 30, 2008 at 6:30 pm at the town hall.

Mr. White had asked about the Souza's letter listed in correspondence and Treasurer Gabert read Sousa comment.

The board agreed that if there is a vote (the vote would be strictly advisory) it would be one vote per parcel for property owners in the Jackson Heights

area within the Town of Oshkosh. Each person voting will sign their name and address in order to receive a paper ballot. The ballot shall read "Do you agree with the contents of the draft Development Agreement with regard to the Bristol Square subdivision? Yes or No".

Merten will prepare the sign-up sheets and ballots for the meeting.

Culvert Agreements by Stille and Kriz.

Supervisor Erdman asked to have subject tabled to the next meeting agenda.

Possible amendment of language in Town Concrete Driveway Approaches Ordinance and increase fee for culvert permit.

Chairman Frey informed the board that because the County buys culverts in large quantities, they receive a discount and willing to pass that discount onto town property owners with the need to purchase a culvert. In cases where a property owner would elect to buy from the County, the County would deliver and set culvert. It would be taken care of in a quick, easy, cost effective manner with no need for Frey to make a second inspection on the culvert before it is set and covered. The town would need to collect on the cost of the culvert, which would be reflected on a highway bill from the County. The idea was suggestive by Bill Demler, Winnebago County. The question was does the town want to make this a policy that all culvert must be purchased through Winnebago County.

Erdman and Kaufmann had the opinion not to eliminate the property owner's options to purchase a culvert elsewhere thinking that Frey could explain to the property owner the options as in Winnebago County's cost and quick service. Frey further explained that he would need some type of price list to hand to the property owner.

The fee for the culvert permit also needs to be looked at and Frey recommended increasing fee from \$100 to \$200.

There were discussions on concrete driveway in town road right-of-way within Title 6 Code of Ordinance regarding changes to its language.

MOTION MADE BY KAUFMANN, ERDMAN SECONDED, TO CHANGE FEE FOR SETTING CULVERTS FROM \$100 TO \$200 AMENDING SECTION 6-4-1 (B)(2) OF THE TOWN OF OSHKOSH CODE OF ORDINANCE. ROLL CALL. FREY, YES; KAUFMANN, YES; ERDMAN, YES. MOTION CARRIED.

MOTION MADE BY ERDMAN, KAUFMANN SECONDED, TO AMEND SECTION 6-4-2 (B)(7) CODE OF ORDINANCE DRIVEWAYS; CULVERTS DELETING ALL LANGUAGE AFTER THE FIRST SENTENCE AND; TO AMEND SECTION 6-4-2 (B)(8) LAST SENTENCE, DELETING THE WORDS "AND FUTURE".
ROLL CALL. KAUFMANN, YES; FREY, YES; ERDMAN, YES.
MOTION CARRIED.

Plummers Cemetery; Sexton wage, lawn/yard maintenance expense.

Bill Beringer was in attendance and was insistent on working with the title of Sexton of Plummers Cemetery without any compensation; purely voluntary.

Possible amendment of language in Town Plummer Cemetery Ordinance including change of lot & perpetual care prices and added rules defining plants/shrubs, expansion, posted hours, etc.

Beringer said that it does take about 3-4 hours to cut grass at the cemetery. Someone else was doing the cutting and couldn't do it anymore therefore Beringer took over the maintenance for the time being. It was \$115 per cut and was asking for \$120 per cut due to gas prices.

Beringer uses his own equipment that is drivable from his residency to get to cemetery.

MOTON MADE BY KAUFMANN, FREY SECONDED, TO ADJUST A FLAT CUTTING GRASS/MAINTENACE RATE AT PLUMMERS CEMETERY TO \$125 PER CUT. ROLL CALL. ERDMAN, YES; FREY, YES; KAUFMANN, YES. MOTION CARRIED.

There were discussions on what lot and perpetual care costs should be. They all agreed that the 1965 prices needs to be adjusted.

MOTION MADE BY KAUFMANN, FREY SECONDED, TO AMEND TITLE 7 – CHAPTER 11 – SECTION 7-11-1 PREPETUAL CARE COST AS:

- a. Town Residents:**
Four grave lot, \$700.00.
- b. Non-Residents:**
Four grave lot, \$1400.00.

AND SECTION 7-11-2 PRICE OF LOTS AS:

- a. Town Residents:**
Four grave lot, \$100.00.
- b. Non-Residents:**
Four grave lot, \$200.00.

AND SECTION 7-11-3 RESALE OF LOTS

In the event a lot owner desires to sell all or a portion of his or her lot(s), it must first be deeded back to the Town of Oshkosh who in turn will resell the lot(s) to a new owner.

ADDED SECTION 7-11-4 LIMITATIONS AND QUANTITIES ON LOTS SOLD

The Plummers Cemetery Sexton has the authority to sell 2, 4, or 8 lot packages with prices pro-rated based upon the four grave lot cost. Lots sold to a single purchaser are limited to one (1) 8-grave lot package.

ROLL CALL. KAUFMANN, YES; ERDMAN, YES; FREY, YES. MOTION CARRIED.

Because the Board decided on the prior set fees for grave lots, the Board decided on the following:

KAUFMANN MADE THE MOTION, FREY SECONDED, TO LIFT THE MORATORIUM THE BOARD HAD PREVIOUS ORDERED AT THE JUNE 9, 2008 TOWN BOARD MEETING REGARDING LOTS SOLD AT PLUMMERS CEMETERY. ROLL CALL. ERDMAN, YES; FREY, YES; KAUFMANN, YES. MOTION CARRIED.

Supervisor Kaufmann will work language for signage at the cemetery on cemetery rules. Beringer shared notes on items that should be included or covered.

Update on boats parked on Fox Street.

Merten reported that because of information provided by Erdman that the situation was taken care of, the warning letter was not sent.

Frey reported that he received another recent complaint that the boats are still parked in the no parking zone. Carl Freudl will be sent a violation letter with order to move any personal items from the no parking zone within 5 days on Fox Street.

New Business:

Zane Strong; Strong Corp. permit to sell fireworks.

Zane Strong introduced his daughter who is taking over the company, Christina Lundt. They made the request for a fireworks permit to sell as in the past.

MOTION MADE BY ERDMAN, KAUFMANN SECONDED, TO APPROVE A FIREWORKS SELLING PERMIT TO CHRISTINA LUNDT WITH "76"ERS CLUB, DBA, BLACK MARKET FIREWORKS WITH THE SAME STIPLUATION AS 2007'S PERMIT UNDER ZANE STRONG'S NAME. ROLL CALL. FREY, YES; ERDMAN, YES; KAUFMANN, YES. MOTION CARRIED.

Inquiry at 2962 Sunset Pt Rd flooding.

Chairman Frey reported that the property owner was re-directed to the Winnebago County to resolve their issue.

Winnebago County; Agreement for emergency pick up and disposal of storm damage household contents, construction and demolition debris and appliances.

The Board was in consensus that the agreement doesn't apply to our Town.

Approve Liquor License applications.

MOTION MADE BY KAUFMANN, ERDMAN SECONDED, TO APPROVE APPLICANTS OF FISHER'S WESTWARD HO, MARINE CORP LEAGUE, FOUNTAIN TAVERAN, GLEN VALLEY FARM, AND JACKSON MOBIL FOR A "CLASS B" RETAIL ALCOHOL BEVERAGE LICENSE;

AND GLEN VALLEY FARM FOR A "CLASS" B RETAIL ALCOHOL BEVERAGE LICENSE;

AND JACKSON MOBIL MART FOR A CLASS "A" RETAIL ALCOHOL BEVERAGE LICENSE. ROLL CALL. KAUFMANN, YES; FREY; ERDMAN, YES. MOTION CARRIED.

Approve Cigarette License applications.

MOTION MADE BY KAUFMANN, FREY SECONDED, TO APPROVE APPLICANTS OF FISHER'S WESTWARD HO, MARINE CORP LEAGUE, FOUNTAIN TAVERAN AND JACKSON MOBIL MART FOR A CIGARETTE LICENSE. ROLL CALL. FREY; ERDMAN, YES; KAUFMANN, YES. MOTION CARRIED.

Approve Soda License applications.

MOTION MADE BY KAUFMANN, FREY SECONDED, TO APPROVE APPLICANTS OF FISHER'S WESTWARD HO, MARINE CORP LEAGUE, FOUNTAIN TAVERAN, GLEN VALLEY FARM, AND JACKSON MOBIL MART FOR A SODA LICENSE. ROLL CALL. KAUFMANN, YES; FREY; ERDMAN, YES. MOTION CARRIED.

Increase Operator License cost to \$21.00 to cover background check charge.

MOTION MADE BY KAUFMANN, ERDMAN SECONDED, TO INCREASE THE OPERATOR LICENSE FEE FROM \$16/PER TWO YEAR TO \$21/PER TWO YEARS EFFECTIVE JULY 1, 2008 TO COVER BACKGROUND CHECK CHARGE BY WINNEBAGO COUNTY. ROLL CALL. FREY, ABSTAIN; ERDMAN, YES; KAUFMANN, YES. MOTION CARRIED.

Forthcoming Events of public interest:

Erdman mention the August 21, 2008 Cracker Barrel coming up.

Erdman reported that last Saturday the Chipper was jammed up and he was called by Bill Rupnow for some help. There was no gasoline in the chipper and Erdman initial purchase \$10 worth of gas to get it going, but also provided Bill Rupnow \$100 in cash for future gasoline money for the chipper. There was some debate on how the matter was handled, but did agree that Erdman should be reimbursed for the \$110 provided for gasoline that will be taken care of at the next meeting. Rupnow had asked Erdman about obtaining a gas card that can be used. Board thought it would be reasonable to purchase a pre-paid gas card to begin with \$100 for the use of the chipper alone.

An agenda item for the next meeting should include grass mowing rate at the town hall.

Gabert received a complaint from Terry Higgins about a (neighbor) dog Michael Dorman owns that is coming into their yard with aggressive behavior with the possibility of biting someone. Gabert checked and the dog is licensed and does have its vaccinations. Board wants a lease law violation notice sent to Michael Dorman at 2127 Indian Pt. Rd.

Correspondence:

1. Winnebago Co Heath Dept; Flooding & Drinking Water Quality.
2. Time Warner; stockholders affected in spin-off.
3. UTC Minutes of June 11, 2008.
 - Email Correspondence:
 1. Joint Legislative Council Mail Ballot.
 2. Neenah town board considers per diem proposal.
 3. Campaign season for DA, state Senate, Assembly, Congress seats.
 4. Senator Joe Leibham; New Updates.
 5. State of WI Insurance Commission, storm water questions.
 6. Town says no to fire truck referendum, Tn/Waterford.
 7. Electric cars banned/Mount Pleasant.

8. Souza; Bristol Square comment.
9. Laws effecting private well abandonment.
10. State contracts available to local governments.

Correspondence provided to board at meeting:

1. Stormwater conference July 25, 2008.
2. Highway resurfacing method defended by commissioner.
3. DNR; Managed Forest law payment.
4. Time Warner; added channel.

**MOTION TO PAY BILLS AS PRESENTED BY KAUFMANN, ERDMAN
SECONDED. MOTION CARRIED.**

**MOTION MADE BY ERDMAN, KAUFMANN SECONDED, TO
ADJOURN. MOTION CARRIED.**

Meeting adjourned at 9:34 p.m.

Jeannette Merten, Town Clerk
Town of Oshkosh